



Woollahra Municipal Council
Government Information (Public Access) Act
Annual Report 2013/2014

Background

The Government Information (Public Access) Act 2009 (*GIPA Act*) became operational on 1 July 2010 and introduced a new “right to information” approach for access to government information.

Council is required to prepare an annual report in accordance with the requirements of section 125 of the *GIPA Act* and clause 7 of the Government Information (Public Access) Regulation (*GIPA Regulation*). In the annual report we are required to include statistical information on formal access applications in the form required by *Schedule 2* of the *GIPA Regulation*.

This report is Council’s *GIPA Act Annual Report* for the period 1 July 2013 to 30 June 2014.

Review of proactive release program (clause 7(a) - GIPA Regulation)

Under *section 7(3) of the GIPA Act*, Council must review its program for the release of government information to identify the kinds of government information held by Council that should, in the public interest, be made publicly available and that can be made publicly available without imposing unreasonable additional costs on Council. This review must be undertaken at least once every 12 months.

Council’s program for the proactive release of information involves maintaining and promoting to staff a practice of openness and accountability of corporate information and decision making which is embodied in Council’s corporate values as “*Open, accountable communication*”. The program is achieved by providing information through the extensive publication on Council’s website or through inspection and/or paper or electronic copy of information following a written request. Council prefers written requests for access to information that cannot be sourced from its website in order to clearly identify the information sought and reduce the possibility of delays being experienced by our customers through misinterpretation of verbal requests. In order to reduce costs to our customers, Council encourages applications to be made, in the first instance, under the informal request provisions of the *GIPA Act*.

During the reporting period, we reviewed this program by:

- Regularly checking Council’s website for content and currency of information, paying particular attention to ensuring the timely release of information relating to new proposals, developments, programs, services and initiatives of Council,
- Regular briefings to Customer Service and Call Centre staff, management, targeted other staff and new staff to reinforce Council’s open and accountable ethos, combined with Council’s responsibilities under the *GIPA Act* and its relationship to other legislation that potentially restricts access to certain information such as the Privacy and Personal Information Protection Act, Health Records and Information Privacy Act and the Companion Animals Act,
- Reviewing Council’s Access to Information Policy and Procedures to ensure they are operationally efficient and effective,

- Reviewing the informal requests and formal Access Applications received by Council to evaluate the type of information the community is seeking access to and whether any of that information could be proactively released with Council's current technological and human resource capabilities, and
- Evaluating how to provide better access to Development Application information during the public notification process.

During the reporting period, Council continued to proactively release information, in addition to the statutory release of *open access information*, by:

- Reporting to the community through prominent display on its website and local print media *Have your say* and *Public Exhibition* notices of proposed activities, policies and strategies which invites community feedback during the decision making process,
- Advertising local Council managed and community activities and events through a monthly *What's On Calendar of Events* e-newsletter, web based Calendar of Events and a series of "out and about" posters on community notice boards,
- Publishing a quarterly *Bush Telegraph* e-newsletter about bush regeneration, flora and fauna,
- Publishing a quarterly *Our Environment* e-newsletter promoting environmental issues and events,
- Publishing a monthly *Woollahra Library* e-newsletter featuring news, events, book reviews and special giveaways from Council's libraries,
- Publishing the *Woollahra Small Sculpture Prize* e-newsletter featuring information for artists wishing to enter the Prize as well as information on judges, exhibition dates, artist talks, schools tours and more,
- Distributing regular *Media Releases* on Council decisions, projects, services and events and matters of community interest and activities that are supported by Council,
- Hosting a range of community events that promote what we do and enhance community engagement,
- Maintaining an on-line DA Tracking facility on Council's web page (which was introduced in 2012-2013), which includes on-line access to Development Application plans and associated documents during the public exhibition period. (For copyright reasons the plans and associated documents are removed from on-line access following determination of the Development Application however inspection access is still available subject to restrictions on internal floor plans where the applicant is not the owner of the property.)

Number of access applications received (clause 7(b) - GIPA Regulation)

During the reporting period, Council received a total of 13 formal access applications (including withdrawn applications but not invalid applications).

Number of refused applications for Schedule 1 information (clause 7(c) - GIPA Regulation)

During the reporting period, Council did not refuse any formal access applications on the basis that the information requested was information referred to in *Schedule 1 to the GIPA Act*. That is, information for which there is conclusive presumption of overriding public interest against disclosure.

Statistical information about access applications (clause 7(d) and Schedule 2 - GIPA Regulation)

Information, in the form required by the tables in *Schedule 2 of the GIPA Regulation*, relating to the access applications made to Council during the reporting year is shown in the following Tables A – H.

The data demonstrates Council's commitment to openness and accountability and a willingness to meet the needs of our customers.

Table A Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	1	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	1	4	0	0	0	0	0	0
Members of the public (other)	1	6	0	0	0	0	0	0
Total	2	11	0	0	0	0	0	0

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision.

Table B Number of applications by type of application and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	2	11	0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0
Total	2	11	0	0	0	0	0	0

* A **personal information application** is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual)

Table C Invalid applications

Reason for invalidity	No of applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

Table D Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of the Act

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
Total all considerations	0

* More than one public interest consideration may apply in relation to a particular access application and, if so, each such application is to be recorded (but only once per application).

Table E Other public interest considerations against disclosure: matters listed in table to section 14 of the Act.

	Number of occasions when application not successful*
Responsible and effective government	1
Law enforcement and security	0
Individual rights, judicial processes and natural justice	11
Business interests of agencies and other persons	0
Environmental, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0
Total all considerations	12

* More than one public interest consideration may apply in relation to a particular access application and, if so, each such application is to be recorded (but only once per application).

* The 11 occasions where the applications were not successful under the *Individual rights, judicial processes and natural justice* provisions of the Act relate to applications for access to development applications for residential properties. Where the applicant was the owner of the property Council refused access to the list of private addresses of other parties that had been notified of the development application by Council during the DA public notification period. Where the applicant was not the owner of the property Council refused access to internal floor plans and the list of private addresses of other parties that had been notified of the development application by Council during the DA public notification period. All other information relating to the development applications was released to the access applicants.

The occasion where the application was not successful under the *Responsible and effective government provisions* of the Act related to an application for access to confidential information in relation to a complaint about unauthorised residential works. Information about the nature of the complaint was released to the applicant. Two public interest considerations against disclosure (*Responsible and effective government* and *Individual rights, judicial processes and natural justice*) applied on this occasion.

Table F Timelines

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	13
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	13

Table G Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by ADT	0	0	0
Total	0	0	0

- The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table H Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0
Total	0